

OPINION 1071

EMENDATION UNDER THE PLENARY POWERS OF LIOPELMATINA TO
LEIOPELMATIDAE (AMPHIBIA SALIENTIA)

RULING. — (1) Under the plenary powers the family-group name LIOPELMATINA Mivart, 1869, is hereby emended to LEIOPELMATIDAE.

(2) The generic name *Leiopelma* Fitzinger, 1861 (gender: neuter), type-species, by monotypy, *Leiopelma hochstetteri* Fitzinger, 1861, is hereby placed on the Official List of Generic Names in Zoology with the Name Number 2038.

(3) The specific name *hochstetteri* Fitzinger, 1861, as published in the binomen *Leiopelma hochstetteri* (specific name of type-species of *Leiopelma* Fitzinger, 1861) is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2591.

(4) The generic name *Liopelma* Günther, 1868, an unjustified emendation of *Leiopelma* Fitzinger, 1861, is hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology with the Name Number 2078.

(5) The family-group name LEIOPELMATIDAE Mivart, 1869, (emendation under the plenary powers in (1) above of LIOPELMATINA) (type-genus *Leiopelma* Fitzinger, 1861) is hereby placed on the Official List of Family-Group Names in Zoology with the Name Number 483.

(6) The following names are hereby placed on the Official Index of Rejected and Invalid Family-Group Names in Zoology with the Name Numbers specified:

- (a) LIOPELMATINA Mivart, 1869 (an incorrect original spelling, by reason of the ruling under the plenary powers in (1) above, of LEIOPELMATIDAE) (Name Number 476);
- (b) LIOPELMIDAE Noble, 1924 (a junior objective synonym of LEIOPELMATIDAE Mivart, 1869) (Name Number 477);
- (c) LEIOPELMIDAE Turbott, 1942 (a junior objective synonym of LEIOPELMATIDAE Mivart, 1869) (Name Number 478).

HISTORY OF THE CASE Z.N.(S.) 1936

An application for the emendation of LIOPELMATINA Mivart, 1869 to LEIOPELMATIDAE was first received from Dr James D. Fawcett and Dr Hobart M. Smith (*University of Colorado*) on 6 August 1970. It was sent to the printer on 26 October 1970 and published on 10 August 1971 in *Bull. zool. Nomencl.* vol. 28: 50-52. Public notice of the possible use of the plenary powers was given in the same number of the *Bulletin* and to the other prescribed serials (Constitution Art. 12b; *Bull. zool. Nomencl.* vol. 31: 97)

and to a herpetological journal. Dr George Steyskal (*Bull.* vol. 29: 2) pointed out that the correct gender of *Leiopelma* is neuter. Dr Sabrosky (*Bull.* vol. 29: 156-157) proposed that the Code be amended so as to remove the need to use the plenary powers in such cases as the present one. Dr Eisenmann (*Bull.* vol. 31: 10) supported Dr Sabrosky but favoured the use of the plenary powers in this instance.

DECISION OF THE COMMISSION

On 10 February 1976 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (76)6 for or against the proposals set out on p. 58 of vol. 28 of the *Bull. zool. Nomencl.* At the close of the Voting Period on 10 May 1976, the state of the voting was as follows:

Affirmative Votes — thirteen (13) received in the following order: Melville, Holthuis, Mayr, Lemche, Eisenmann, Vokes, Sabrosky, Willink, Tortonese, Corliss, Rohdendorf, Bayer, Nye

Negative Votes — four (4): Mroczkowski, Heppell, Bernardi, Ride
Abstention: Dupuis

Late Affirmative Votes: Alvarado, Habe, Brinck, Kraus

Leave of Absence: Binder

Voting Papers not returned: Erben, Simpson, Starobogatov.

The following comments were sent in by members of the Commission with their Voting Papers:

Sabrosky: I vote in favour of this only because I approve of LEOPELMATIDAE, but I reiterate my point that such cases should not require action by the Commission but should be answered by the normal operation of provisions of the Code.

Mroczkowski: I agree with Dr. Sabrosky's proposal for an amendment to the Code.

Corliss: Essentially in agreement with colleague Sabrosky. I see no reason to require the Commission's time or powers on such cases. Let the Code permit authors to take care of such obvious cases without resort to a proposal and an Opinion.

Bernardi: J'appuie la proposition de Sabrosky.

Heppell: While taking note of the final sentence of Commissioner Eisenmann's comment, I believe it is better to decline to act in individual cases where a general principle covering such cases is *sub judice*. Although agreeing with the applicants as far as their object is concerned I prefer to support the change in the Code proposed by Sabrosky and extended by Eisenmann.

Dupuis: Je ne vote pas et je demande que l'on examine sérieusement la proposition de Sabrosky. Pour être correct, un texte français devrait être rédigé comme suit: "Un nom du groupe-famille, fondé sur une émendation injustifiée d'un nom du group-genre doit être corrigé conformément à l'orthographe originale du nom émendé, à moins que l'émendation ne soit devenue le nom valide du genre".

Ride: I agree with Dr. Sabrosky's interpretation and that there is no need for action by the Commission. I agree that the Code should be made explicit in this respect.

ACTION BY THE SECRETARY TO COMPLETE THE RULING IN THE PRESENT OPINION

When this Opinion came to be written, it was clear that there was an omission in the proposals put forward by the applicants, and in the case as presented for a vote by the Commission: there was no proposal to place the specific name *hochstetteri* Fitzinger, 1861, as published in the binomen *Leiopelma hochstetteri* (specific name of type-species of *Leiopelma* Mivart, 1869) on the Official List of Specific Names in Zoology. Since the Commission had already voted to place *Leiopelma*, with *L. hochstetteri* as type-species, on the Official List of Generic Names, the placing of the name of that species on the appropriate Official List follows inevitably. I therefore placed a minute to that effect on file No. Z.N.(S.) 1836 and completed the Ruling accordingly.

ORIGINAL REFERENCES

The following are the original references for the names placed on Official Lists and Indexes by the Ruling given in the present Opinion: *hochstetteri*, *Leiopelma*, Fitzinger, 1861, *Verh. zool.-bot. Ges. Wien*, vol. 11: 218

Leiopelma Fitzinger, 1861, *Verh. zool. -bot. Ges. Wien* vol. 11: 218

LEIOPELMIDAE Noble, 1924, *Amer. Mus. Novit.* (132): 9

Liopelma Günther, 1868, *Proc. zool. Soc. London* 1868: 478

LIOPELMATINA Mivart, 1869, *Proc. zool. Soc. London* 1869: 291

LIOPELMIDAE Turbott, 1942, *Trans. roy. Soc. N.Z.* vol. 71: 247.

CERTIFICATE

I certify that the votes cast on Voting Paper (76) 6 were cast as set out above, that the proposal contained in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is, with the additional item minuted by the Secretary, truly recorded in the present Opinion No. 1071.

R.V. MELVILLE
Secretary

International Commission on Zoological Nomenclature
London

27 July 1976